

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FARAH JEAN FRANCOIS,

Plaintiff,

Case No. 1:22-cv-4447

- against -

(Hon. Jed S. Rakoff)

**VICTORY AUTO GROUP LLC d/b/a
VICTORY MITSUBISHI, SPARTAN
AUTO GROUP LLC d/b/a VICTORY
MITSUBISHI, STAVROS ORSARIS,
YESSICA VELLEJO, DAVID PEREZ,
DIANE ARGYROPOULOS, and
PHILIP ARGYROPOULOS**

**AFFIDAVIT OF
STAVROS ORSARIS**

Defendants.

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STATE OF NEW YORK)
) ss.:
COUNTY OF BRONX)

STAVROS ORSARIS, being duly sworn, deposes and says that:

1. I am the General Manager for Spartan Auto Group LLC d/b/a Victory Mitsubishi (“Spartan”). I have been employed by Spartan since February 2018

2. I have reviewed the discovery and the pleadings this case in which I testified at deposition for over 7 hours, and I make the following Affidavit in support of Defendants’ Motion for Summary Judgment based upon my experience in the automobile dealership business and my personal knowledge and interactions with the Plaintiff Ms. Francois.

3. As I testified at my deposition, Ms. Francois came to Spartan’s dealership in September 2020 and reported that her brother-in-law Emmanuel Laforest had stolen her identity and used it to purchase the BMW (the “Vehicle”) under her name. Although I did not agree that the dealership was in any way at fault for Laforest’s actions as she represented them, I nonetheless undertook to assist Ms. Francois and hoped to unwind the sale, rescind the Capitol One loan, and remove entries concerning that loan from her credit history.

4. First, I prevailed upon Laforest to return the vehicle to Spartan and he did so almost immediately. Then I called Ms. Francois repeatedly to request that she return the title to the Vehicle. I could not unwind the sale and resolve the outstanding loan in her name with Capitol One without the Vehicle's title.

5. While Ms. Francois at one time promised me that she would come to dealership with the Vehicle's title, she never did so. I was thus unable to work with Capitol One to rescind the loan and clean up her credit report. In fact, Ms. Francois failed to return many calls I placed to her from both my office phone and my personal cell phone. Following Plaintiff's deposition I learned that she testified that she had blocked my numbers and chosen not to cooperate with me.

6. Customer service is very important to me as the General Manager for Spartan and, as I represented to Ms. Francois, had she returned the title to the dealership, I would have undertaken to do everything in my power to ensure that title to the Vehicle was taken out of her name and that the Capital One loan and related credit inquiries were removed from her credit history. I also told Ms. Francois that I would cooperate with any law enforcement inquiry or proceeding.

7. I and my dealership have a long-standing relationship with Capital One; we do a tremendous amount of business with them and have high-level contacts there. I am therefore confident that I would have been able to fast-track Plaintiff's issues and likely succeeded in rescinding the loan and correcting her credit report more quickly and easily than she was able to do acting on her own, even with the assistance of her attorneys.

8. Ms. Francois's refusal to cooperate and her decision to not return my calls and to block my numbers made it impossible for me to assist her in mitigating any potential damage to her, including the expenses she claimed she incurred in attempting to resolve her issues alone.

9. I respectfully request that this Court grant Defendants motion for summary judgment in its entirety.

Sworn to before me this 22 day
of February, 2023



Notary Public



Stavros Orsaris
General Manager

KYLE P. MERRITT
Notary Public, State of Connecticut
My Commission Expires 06/30/2027